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EXAMINER

STRANGE, AARON N

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| ART UNIT | PAPER NUMBER |
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2153

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,950

Applicant(s)

KOCHEISEN ET AL.

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to British Telecommunications filed 4/21/2005 have been fully considered but they are not persuasive.

2. With further regard to claim 1, and Applicant's assertion that "There is absolutely nothing in the British Telecommunications Web literature that would suggest that the SpeechMail service is being provided by a different service provider that the user's e-mail service" (Page 8, Lines 10-13 of Remarks), it appears that this assertion relies upon the fact that the auxiliary service providers are "distinct from the account providers providing the one or more existing messaging accounts", recited in the preamble. However, evidence that the SpeechMail service is being provided by a different service provider has been presented below.

While it was not specifically pointed out in the first Office action, evidence that SpeechMail was provided by Vocalis was provided and cited on the PTO-892 that accompanied the first Office action. The reference "Hot New E-Mail Device: The Phone", which was cited as reference X on the PTO-892, sent on 2/8/2005, states that Vocalis provided SpeechMail service to British Telecom by at least July 18, 2000. Additionally, the reference titled "register[1]", which is the source code for <http://www.btinternet.com/new/content/mobile/speechmail/register.html> clearly shows that the registration information entered on that page was sent to Vocalis (Page 4, Lines 5-6). Additional references have been included with the present Office action which

provide further evidence that the SpeechMail service was, in fact, provided by a different service provider, namely Vocalis.

3. Applicant's arguments with respect to Hartman have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 7-20 rejected under 35 U.S.C. 103(a) as being unpatentable over British Telecommunications in view of Klug et al. (US 5,790,785).

6. The Office would like to note that the British Telecommunications reference consists of several web pages from the British Telecommunications website, as well as the source code from one of those pages (register[1]). For simplicity in referring to the reference, the web pages have been considered as a single reference, with the pages numbered by the Examiner. Alternatively, the references could be treated individually and applied as a combination of references under 35 USC 103, as the motivation to combine them is apparent since they are all part of the same website.

7. With regard to claim 1, British Telecommunications discloses a method for providing enhanced service activation for auxiliary services that provide access to one or more existing messaging accounts (email accounts) belonging to one or more account holders, the auxiliary services being provided by service providers distinct from the account providers providing the one or more existing messaging accounts (SpeechMail registration occurs with Vocalis) ("register[1]", Page 4, Lines 5-6), the method comprising: receiving a request for activation of the one or more auxiliary services from the one or more account holders (SpeechMail registration) (Page 3); and providing for service activation for the one or more auxiliary services (activate SpeechMail and provide account/access number) (Page 2, Lines 6-13), wherein information related to the existing messaging accounts (account name/password) is utilized for providing for service activation for the one or more auxiliary services so that the same activation information provided by the one or more account holders that are providing the one or more existing messaging accounts does not have to be provided by the one or more messaging account holders to the service providers that provide the auxiliary services (The user only has to provide their name, messaging account login information and chosen PIN to Vocalis in order to activate SpeechMail) (Page 3).

British Telecommunications fails to specifically recite accessing registration information for the one or more existing messaging accounts. It should be noted that it is extremely likely that British telecommunications shared registration information with Vocalis during the activation process since the user only provides their name, account

login information, and PIN number to Vocalis in order to enable SpeechMail. Any additional information needed is most likely provided by British Telecommunications. However, even if no information was shared, it would have been an advantageous addition to the system disclosed by British Telecommunications to do so, as evidenced by Klug.

Klug teaches a system for storing user account registration information at one location and sharing that information with other service providers upon request of the user, dramatically reducing the number of times that a user must enter registration information to access various services (at least Col 1, Line 60 to Col 2, Line 19). By saving the information at the central location, additional services can be activated without requiring redundant input of registration information. This would have been an advantageous addition to the system disclosed by British Telecommunications since it would have allowed the user to activate the SpeechMail service without requiring redundant input of registration data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to access registration information for the one or more existing messaging accounts when activating SpeechMail since it would have eliminated the input of redundant information by the user.

8. With regard to claim 2, British Telecommunications further discloses that the one or more auxiliary services is at least telephone access to an existing electronic mail account (Page 1, Lines 8-9).

9. With regard to claim 3, British Telecommunications further discloses the one or more auxiliary services is related to access of an existing electronic mail account (telephone access) (Page 1, Lines 8-9).

10. With regard to claim 4, British Telecommunications further discloses that prompting for a user selected personal access code for the one or more auxiliary services (PIN for SpeechMail account) (Page 3).

11. With regard to claim 5, while the system disclosed by British Telecommunications in view of Klug shows substantial features of the claimed invention (discussed above), including providing an auxiliary services selection button (Page 3), it fails to specifically disclose providing the button on an access screen for the one or more existing messaging accounts. However, providing a button on an access screen for the existing messaging account rather than on its own separate page is well known in the art, and would have been a matter of personal preference for the website designer. It would have been advantageous to place the button to activate the auxiliary service on the access screen for the existing messaging account since it would be visible to the user each time they accessed the messaging account. This would make it easier for the user to learn about and activate auxiliary services.

Therefore, it would have been obvious to one of ordinary skill in the art at the

Art Unit: 2153

time the invention was made to place the auxiliary services selection button on the access screen for the massaging account since it would make it easier for the user to learn about and activate auxiliary services

12. With regard to claim 7, which is similar to claim 1 discussed above, British Telecommunications discloses a method for providing enhanced service activation for a user's electronic mail account, the method comprising: providing an enhanced service activation selector for an enhanced service related to the electronic mail account (SpeechMail registration) (Page 3); receiving an activation request via the activation selector for the enhanced service related to the electronic mail account (user submits for to register) (Page 3) and activating the enhanced service related to the electronic mail account (activate SpeechMail and provide account/access number) (Page 2, Lines 6-13), wherein information relating to the electronic mail account (account name/password) is used to activate the enhanced service.

British Telecommunications fails to specifically disclose processing the activation request by accessing information related to the electronic mail account or using the accessed information relating to the electronic mail account to activate the enhanced service so that the same activation information related to the electronic mail account does not have to be received from the user to activate the enhanced service. It should be noted that it is extremely likely that British telecommunications shared registration information with Vocalis during the activation process since the user only provides their name, account login information, and PIN number to Vocalis in order to enable

SpeechMail. Any additional information needed is most likely provided by British Telecommunications. However, even if no information was shared, it would have been an advantageous addition to the system disclosed by British Telecommunications to do so, as evidenced by Klug.

Klug teaches a system for storing user account registration information at one location and sharing that information with other service providers upon request of the user, dramatically reducing the number of times that a user must enter registration information to access various services (at least Col 1, Line 60 to Col 2, Line 19). By saving the information at the central location, additional services can be activated without requiring redundant input of registration information. This would have been an advantageous addition to the system disclosed by British Telecommunications since it would have allowed the user to activate the SpeechMail service without requiring redundant input of registration data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to access registration information for the one or more existing messaging accounts when activating SpeechMail since it would have eliminated the input of redundant information by the user.

13. With regard to claim 8, British Telecommunications further discloses that the electronic mail account is a Web based electronic mail account (Page 10, Lines 2-4).

Art Unit: 2153

14. With regard to claim 9, Klug further discloses that the information related to the electronic mail account is stored on a network file server (Col 1, Line 62 to Col 2, Line 2).

15. With regard to claim 10, British Telecommunications further discloses that the enhanced service is telephone access to the electronic mail account (Page 1, Lines 8-9).

16. With regard to claim 11, British Telecommunications further discloses that the enhanced service is access to the electronic mail account via one or more secondary devices (telephone access) (Page 1, Lines 8-9).

17. With regard to claim 12, British Telecommunications discloses an enhanced service registration method for providing user access to a first service provided by a first service provider by one or more other enhanced services provided by one or more other enhanced service providers distinct from the first service provider, the method comprising: receiving a request for activation of one or more of the other enhanced services (SpeechMail registration) (Page 3); and activating the one or more other enhanced services (activate SpeechMail and provide account/access number) (Page 2, Lines 6-13).

British Telecommunications fails to specifically disclose receiving registration and storing information for activation of the first service, accessing the stored registration

information for the first service, and using the stored registration information when activating the enhanced service without requesting undue additional input from the user. It should be noted that it is extremely likely that British telecommunications stored and shared registration information with Vocalis during the activation process since the user only provides their name, account login information, and PIN number to Vocalis in order to enable SpeechMail. Any additional information needed is most likely provided by British Telecommunications. However, even if no information was shared, it would have been an advantageous addition to the system disclosed by British Telecommunications to do so, as evidenced by Klug.

Klug teaches a system for storing user account registration information at one location and sharing that information with other service providers upon request of the user, dramatically reducing the number of times that a user must enter registration information to access various services (at least Col 1, Line 60 to Col 2, Line 19). By saving the information at the central location, additional services can be activated without requiring redundant input of registration information. This would have been an advantageous addition to the system disclosed by British Telecommunications since it would have allowed the user to activate the SpeechMail service without requiring redundant input of registration data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to access registration information for the one or more existing messaging accounts when activating SpeechMail since it would have eliminated the input of redundant information by the user.

18. With regard to claim 13, Klug further discloses that receiving registration information for activation of the first service comprises receiving identifying information from the user (server collects and stores identifying information)(Col 1, Line 62 to Col 2, Line 19).

19. With regard to claim 14, Klug further discloses that the registration information is stored in a network file server (Col 1, Line 62 to Col 2, Line 2).

20. With regard to claim 15, British Telecommunications further discloses that the enhanced services is at least one of telephone access to electronic mail, facsimile access to electronic mail and pager access to electronic mail (telephone access) (Page 1, Lines 8-9).

21. With regard to claim 16, British Telecommunications further discloses that the request for activation is received via a selection mechanism provided with the first service (SpeechMail registration) (Page 3).

22. With regard to claim 17, British Telecommunications further discloses that the first service is electronic mail and the enhanced service is access to the electronic mail via phone (Page 1, Lines 8-9).

23. With regard to claim 18, British Telecommunications further discloses that the only additional input required from the user is a personal identification number (SpeechMail PIN is the only additional input required for SpeechMail activation. All other information is provided when signing up for the dial-up account)(Page 3).

24. With regard to claim 19, British Telecommunications further discloses that the only additional input required from the user is a password (SpeechMail PIN is the only additional input required for SpeechMail activation. All other information is provided when signing up for the dial-up account)(Page 3).

25. With regard to claim 20, while the system disclosed by British Telecommunications in view of Klug shows substantial features of the claimed invention (discussed above), it fails to specifically disclose providing an advertisement one or more of the enhanced services, wherein selecting the advertisement operates as request for activation of the one or more of the enhanced services.

However, the use of an advertisement as a link on a web page is well known in the art. Advertisements that can be clicked are commonly used on web sites to direct a user to another location. They are advantageous since they can be images or graphics that are more noticeable than plain text, drawing the attention of a user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an advertisement to notify users of available

auxiliary services, and allow users to request auxiliary service activation simply by clicking on the advertisement. This allows the service provider to draw attention to the available service by using a graphical advertisement to notify the user, which may be more noticeable than a simple text link.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- "E-Mail Access Via Spoken Word", by Steve Gold, March 23, 2000
- "Notes emotes: E-mail in your ear", by Eric B. Parizo, August 11, 2000

Both of these references provide additional evidence that the SpeechMail service described in the British Telecommunication reference was actually provided by a separate service provider, Vocalis.

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2153


mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS
7/22/2005



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